

JC03 Rec'd PCT/PTO 09 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/531,716  
Applicant : SCHULLER, PETER  
Filed : APRIL 18, 2005  
Title : IMPLANTABLE CONDUCTING LEAD

Art Unit : TO BE ASSIGNED  
Examiner : TO BE ASSIGNED

Atty Docket No. : COCH-0147-US1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Patent Fee Transmittal for FY 2005 and Deposit Account Authorization
- ☒ Credit Card Payment Form
- ☒ Response to Notification of Missing Requirements under 35 U.S.C.371
- ☒ Declaration and Power of Attorney (1 page)
- ☒ Copy of Notification of Missing Requirements
- ☒ Certified copy of Australian Application Number 2002952146

Respectfully submitted,

Michael G. Verga  
Registration Number 39,410

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
(703) 591-2664

September 9, 2005

# Patent Fee Transmittal

## for FY 2005

☐ Applicant Claims Small Entity Status 37 C.F.R. 1.27

**TOTAL AMOUNT OF PAYMENT** **\$130.00**

|                     |                |
|---------------------|----------------|
| Application Number  | 10/531,716     |
| Filing Date         | 18-Apr-05      |
| Named Inventor      | Peter Schuller |
| Examiner Name       | To be assigned |
| Art Unit            | To be assigned |
| Attorney Docket No. | COCH-0147-US1  |

### FEE CALCULATION

| 1. Filing Fees |             | Large Entity |      | Small Entity |      | Paid |
|----------------|-------------|--------------|------|--------------|------|------|
|                |             | Code         | (\$) | Code         | (\$) |      |
| Utility        | Basic       | 1011         | 300  | 2011         | 150  | \$ - |
|                | Examination | 1311         | 200  | 2311         | 100  | \$ - |
|                | Search      | 1111         | 500  | 2111         | 250  | \$ - |
| Design         | Basic       | 1012         | 200  | 2012         | 100  | \$ - |
|                | Examination | 1312         | 130  | 2312         | 65   | \$ - |
|                | Search      | 1112         | 100  | 2112         | 50   | \$ - |
| Plant          | Basic       | 1013         | 200  | 2013         | 100  | \$ - |
|                | Examination | 1313         | 160  | 2313         | 80   | \$ - |
|                | Search      | 1113         | 300  | 2113         | 150  | \$ - |
| Reissue        | Basic       | 1014         | 300  | 2014         | 150  | \$ - |
|                | Examination | 1114         | 600  | 2114         | 300  | \$ - |
|                | Search      | 1314         | 500  | 2314         | 250  | \$ - |
| Provisional    | Basic       | 1005         | 200  | 2005         | 100  | \$ - |
| National Stage | Basic       | 1631         | 300  | 2631         | 150  | \$ - |
|                | Examination | 1633         | 200  | 2633         | 100  | \$ - |
|                | Search      | 1632         | 500  | 2632         | 250  | \$ - |

| 2. Extra Claim Fee                               |              |
|--------------------------------------------------|--------------|
| a. Claims as Filed                               |              |
| Total Claims                                     | 0 - 20 = 0 x |
| Independent                                      | 0 - 3 = 0 x  |
| Multiple Dependent                               |              |
| b. Claims as Amended                             |              |
| After Amnt                                       | Highest Paid |
| 0                                                | 0            |
| 0                                                | 0            |
| First Presentation of Multiple Dependent         |              |
| * Less than 20, enter 20 ** Less than 3, enter 3 |              |
| 3. Extra Page Fee                                |              |
| Total Pages                                      | Extra Pages  |
| 0                                                | 0            |
| Subtotal for Application Fees                    |              |
| 1 \$ -                                           | 2 \$ -       |
| 3 \$ -                                           | \$ -         |

| 4. Additional Fees                     |  | Large Entity |       | Small Entity |       | Paid |
|----------------------------------------|--|--------------|-------|--------------|-------|------|
| Description                            |  | Code         | (\$)  | Code         | (\$)  |      |
| Extension for response first month     |  | 1251         | 120   | 2251         | 60    | \$ - |
| Extension for response second month    |  | 1252         | 450   | 2252         | 225   | \$ - |
| Extension for response third month     |  | 1253         | 1,020 | 2253         | 510   | \$ - |
| Extension for response fourth month    |  | 1254         | 1,590 | 2254         | 795   | \$ - |
| Extension for response fifth month     |  | 1255         | 2,160 | 2255         | 1,080 | \$ - |
| Notice of Appeal                       |  | 1401         | 500   | 2401         | 250   | \$ - |
| Filing a Brief in Support of an Appeal |  | 1402         | 500   | 2402         | 250   | \$ - |
| Request for Oral hearing               |  | 1403         | 1,000 | 2403         | 500   | \$ - |
| Petitions under 1.17(f)                |  | 1462         | 400   | 2462         | 400   | \$ - |
| Petitions under 1.17(g)                |  | 1463         | 200   | 2463         | 200   | \$ - |
| Petitions under 1.17(h)                |  | 1464         | 130   | 2464         | 130   | \$ - |
| Petition - public use proceeding       |  | 1451         | 1,510 | 2451         | 1,510 | \$ - |
| Petition to Revive - Unavoidable       |  | 1452         | 500   | 2452         | 250   | \$ - |
| Petition to Revive - Unintentional     |  | 1453         | 1,500 | 2453         | 750   | \$ - |
| Utility Issue Fee                      |  | 1501         | 1,400 | 2501         | 700   | \$ - |
| Design Issue Fee                       |  | 1502         | 800   | 2502         | 400   | \$ - |
| Plant Issue Fee                        |  | 1503         | 1,100 | 2503         | 550   | \$ - |
| Reissue Issue Fee                      |  | 1511         | 1,400 | 2511         | 700   | \$ - |
| Publication Fee                        |  | 1504         | 300   | 2504         | 300   | \$ - |
| Statutory Disclaimer                   |  | 1814         | 130   | 2814         | 65    | \$ - |

| Description (cont.)                    |  | Large Entity |       | Small Entity |       | Paid   |
|----------------------------------------|--|--------------|-------|--------------|-------|--------|
|                                        |  | Code         | (\$)  | Code         | (\$)  |        |
| Recording each Assignment              |  | 8021         | 40    | 8021         | 40    | \$ -   |
| Submission of IDS                      |  | 1806         | 180   | 1806         | 180   | \$ -   |
| Request for Cont. Examination (RCE)    |  | 1801         | 790   | 2801         | 395   | \$ -   |
| Filing Submission After Final          |  | 1809         | 790   | 2809         | 395   | \$ -   |
| Surcharge - late filing fee or oath    |  | 1051         | 130   | 2051         | 65    | \$ 130 |
| Surcharge - late provisional fee       |  | 1052         | 50    | 2052         | 25    | \$ -   |
| Non-English Specification              |  | 1053         | 130   | 2053         | 130   | \$ -   |
| Processing Fee 37 CFR 1.17(q)          |  | 1807         | 50    | 2807         | 50    | \$ -   |
| Request for Ex Parte Reexamination     |  | 1812         | 2,520 | 2812         | 2,520 | \$ -   |
| Request Pub. of SIR prior to action    |  | 1804         | 920   | 2804         | 920   | \$ -   |
| Request Pub. of SIR after action       |  | 1805         | 1,840 | 2805         | 1,840 | \$ -   |
| Each Add. Invention Examined           |  | 1810         | 790   | 2810         | 395   | \$ -   |
| Expedited Examination (Design)         |  | 1802         | 900   | 2802         | 900   | \$ -   |
| Unintentionally Delayed Priority Claim |  | 1453         | 1,370 | 2453         | 1,370 | \$ -   |
| Certificate of Correction              |  | 1811         | 100   | 2811         | 100   | \$ -   |
| Maintenance Fees 3.5 years             |  | 1551         | 400   | 2551         | 400   | \$ -   |
| Maintenance Fees 7.5 years             |  | 1552         | 2,300 | 2552         | 1,150 | \$ -   |
| Maintenance Fees 11.5 years            |  | 1553         | 3,800 | 2553         | 1,900 | \$ -   |
| Surcharge - Late Payment 6 mos.        |  | 1554         | 130   | 2554         | 65    | \$ -   |
| Other fee                              |  |              |       |              |       | \$ -   |

09/14/2005 GFREY1 00000121 10531716

Additional Fee Subtotal \$ 130

### METHOD OF PAYMENT (Check all that apply)

☒ Credit Card (Provide credit card information and authorization on PTO-2038)

☒ Deposit Account No. **10-0233-COCH-0147-US1**

For the above-identified deposit account, the Director is hereby authorized to:

☐ To charge the above-identified fee.

☒ To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

|               |                                          |                   |              |
|---------------|------------------------------------------|-------------------|--------------|
| Submitted by: |                                          |                   |              |
| Name          | Michael G. Verga                         | Reg. No.          | 39,410       |
| Firm          | Jagtiani + Guttat                        |                   |              |
| Address       | 10363-A Democracy Lane, Fairfax VA 22030 |                   |              |
| Telephone     | 703.591.2664                             | Fax               | 703.591.5907 |
| Signature     |                                          | September 9, 2005 |              |
|               |                                          | Date              |              |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Atty Docket No. : COCH-0147-US1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)**

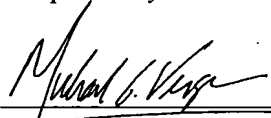
Sir:

This is in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office dated August 25, 2005, the period for response to which is set to expire on October 25, 2005.

Submitted herewith is the executed declaration in compliance with 37 CFR 1.497(a) and (b).

Please direct any inquiries in connection with this application directly to the undersigned.

Respectfully submitted,

  
\_\_\_\_\_  
Michael G. Verga  
Registration Number 39,410

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
(703) 591-2664

September 9, 2005

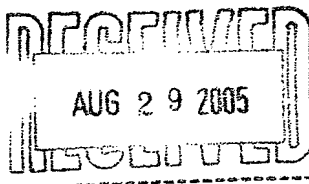


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1459  
 Alexandria, Virginia 22313-1459  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/531,716                  | Peter Schuller        | COCH-0147-US1    |

22506  
 JAGTIANI + GUTTAG  
 10363-A DEMOCRACY LANE  
 FAIRFAX, VA 22030



|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/AU03/01369                |               |
| LA. FILING DATE               | PRIORITY DATE |
| 10/16/2003                    | 10/17/2002    |

CONFIRMATION NO. 1419  
 371 FORMALITIES LETTER  
 \*OC000000016872010\*  
 \*OC000000016872010\*

Date Mailed: 08/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/18/2005
- Copy of the International Search Report filed on 04/18/2005
- Copy of IPE Report filed on 04/18/2005
- Preliminary Amendments filed on 04/18/2005
- U.S. Basic National Fees filed on 04/18/2005
- Priority Documents filed on 04/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO | ATTY DOCKET NO |
|-----------------------------|------------------------------|----------------|
| 10/531,716                  | PCT/AU03/01369               | COCH-0147-US1  |